

Brazil

Government Policies and Program to Eliminate the Worst Forms of Child Labor

In 1992, the Government of Brazil became one of the six original countries to participate in ILO-IPEC.²⁹⁴ USDOL has funded three ILO-IPEC projects in Brazil: one in 1995 addressed child labor in the shoe industry of Vale dos Sinos; one in 2000 combats the child domestic worker problem in Brazil, Colombia, Paraguay and Peru; and another also funded in 2000 addresses the commercial sexual exploitation of minors in a border town between Brazil and Paraguay.²⁹⁵ In October 2001, the Brazilian Institute of Geography and Statistics (IBGE) began collaborating with the ILO's SIMPOC to conduct a survey of child labor as part of Brazil's National Household Survey.²⁹⁶

The federal government administers numerous programs under different ministries aimed at combating child labor and has formed various commissions to address issues related to child labor in Brazil.²⁹⁷ In May 2000, the MLE established the Tripartite Commission, which produced a list of over 80 activities defined as "worst forms" of child labor by the government.²⁹⁸ In some regions, councils defend the rights of children and adolescents on the federal, state, and municipal levels.²⁹⁹ As part of the country's adherence to ILO Convention 182, the Federal Ministry of Welfare and Social Assistance (MPAS) has informally identified activities in both the rural and

²⁹⁴ ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁹⁵ USDOL/IPEC program documents: *Combating Child Labor in the Shoe Industry of Vale dos Sinos, Brazil*, 1995; *The Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents*, September, 2000; and *The Prevention and Elimination of Child Domestic Labour in South America*, September 2000.

²⁹⁶ The survey will reach approximately 120,000 households. See USDOL/ICLP, *Technical Cooperation Summaries: SIMPOC*, internal document, September 1, 1999.

²⁹⁷ The various programs of the federal government to eradicate child labor are listed in the Government of Brazil's multi-year plan (PPA). U.S. Embassy—Brazil, unclassified telegram no. 1439, September 2000 [hereinafter unclassified telegram 1439]. See also Ministerio Publico do Trabalho, Procuraduria Geral. *Comissoes*, August 8, 2001, at <http://www.pgt.mpt.gov.br/comissoes.html>. Among these is the Executive Group to Combat Forced Labor (GERTRAF), the National Forum for the Eradication of Child Labor and the Protection of the Adolescent Worker, and the National Office of Coordination for Combating the Exploitation of Child and Adolescent Labor. State governments have also formed local commissions, such as the State of Rio de Janeiro's Commission on the Prevention and Eradication of Child Labor.

²⁹⁸ U.S. Embassy—Brazil, unclassified telegram no. 1715, November 2000 [hereinafter unclassified telegram 1715]. The list includes such activities as harvesting citrus fruits, driving tractors, performing civil construction, picking garbage, cutting sugar cane, selling alcohol, and working in bars and brothels. The list produced by the Tripartite Commission led to an additional 27 activities being banned for workers between ages 16 and 18. See Mark Mittelhauser, Labor Attache at U.S. Consulate, Sao Paulo, Brazil, E-mail to ICLP official, February 5, 2001.

²⁹⁹ Unclassified telegram 1439.

urban sectors that are considered the worst forms of child labor.³⁰⁰ The MPAS also launched a program to create centers and networks to assist children and adolescents who are victims of sexual abuse and exploitation.³⁰¹ A new Parliamentary Investigative Commission on Sexual Tourism began functioning in September 2001 in the state of Fortaleza.³⁰²

The government's Program on the Eradication of Child Labor (PETI) gives stipends to families who remove children from work and keep them in school.³⁰³ The Ministry of Education (MEC) has developed a preventive counterpart to the PETI program, which provides mothers with a fixed sum. In return, the mothers agree to ensure that their children maintain at least an 85 percent attendance rate in school.³⁰⁴ The government has also designed special classes to address the problem of students who are forced to repeat grades,³⁰⁵ created a school lunch program which seeks to promote children's attendance,³⁰⁶ and raised the average wage paid to teachers by 13 percent nationally and up to 49 percent in the Northeast region.³⁰⁷

Incidence and Nature of Child Labor

In 1999, UNICEF estimated that 11 percent of children between the ages of 5 and 15 in Brazil were working.³⁰⁸ Child labor occurs more frequently in northeastern Brazil than in any other

³⁰⁰ In rural areas, these activities include harvesting of sisal and sugar cane, cotton, tobacco, and citrus; producing wood, brick, charcoal, ceramics, and flour; working in salt and other mines; weaving; and fishing. Some urban sector activities include drug trafficking, trash picking, shoe shining, and commerce. See unclassified telegram 1439.

³⁰¹ The centers serve as clearinghouses for allegations; offer psychological, social, and legal counseling; and attempt to create safer environments for victims. *Sentinela* currently has 40 centers and aims to have 200 by the end of 2001. Centers work with a network of NGOs and public officials to guarantee the rights of victims of abuse and of children working as prostitutes. See Mark Mittelhauser, Labor Attache at U.S. Consulate, Sao Paulo, Brazil, E-mail to ICLP official, September 28, 2001.

³⁰² Viviane Lima, *O Povo*, CE, p. 18, September 9, 2001, as cited in *CPI do Turismo Sexual em Fortaleza já tem denúncias*, Agência de Notícias dos Direitos da Infância, at <http://www2.uol.com.br/andi/noticias/sexta.htm> on 09/25/01.

³⁰³ Unclassified telegram 1715. Overall, the Federal Ministry of Welfare and Social Assistance (MPAS) provides guidelines and most of the funding, but state and municipal governments are charged with implementing the bulk of the program locally. The government's PETI has grown from a pilot project in a few municipalities in two states in 1996 to over 160 municipalities in 13 states by the end of 1999. See unclassified telegram 1439.

³⁰⁴ Mark Mittelhauser, Labor Attache at U.S. Consulate, Sao Paulo, Brazil, E-mail to ICLP official, October 9, 2001.

³⁰⁵ Secretaria de Educação Fundamental, Ensino Fundamental, Programa de Aceleração da Aprendizagem, at <http://www.mec.gov.br/sef/fundamental/proacele.shtm>.

³⁰⁶ Ministerio da Educação, Notícias—Dezembro/2001, Programa da Merenda Escolar é destaque em 2001, December 26, 2001.

³⁰⁷ *EFA 2000 Assessment* at http://www2.unesco.org/wef/countryreports/brazil/rapport_1.html.

³⁰⁸ According to the survey, 3.8 million children were working. Instituto Brasileiro de Geografia e Estatística, Pesquisa Nacional por Amostra de Domicílios, PNAD—1999, as cited in UNICEF, Brasil, *Indicadores sobre crianças e adolescentes: Brasil 1990-1999*, UNICEF/IBGE 2001 Fundo das Nações

region and is particularly common in rural areas.³⁰⁹ Children work on commercial orange, sugar cane, and sisal farms; in traditional sectors of the Brazilian economy, including the shoe, logging, mining and charcoal industries; and as domestic servants and scavengers in garbage dumps. Children are also involved in prostitution, pornography and the trafficking of drugs.³¹⁰ Most child and adolescent laborers are not paid for their work.³¹¹

Basic education (grades one through eight) is free and compulsory for children between the ages of 7 and 14.³¹² In 1998, the gross primary enrollment rate was 128 percent, and the net primary enrollment rate was 95.3 percent.³¹³ Primary school attendance rates are unavailable for Brazil. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³¹⁴

Child Labor Laws and Enforcement

The Constitution sets the minimum age for general employment at 16 years and the minimum age for apprenticeships at 14 years. These minimum age standards were raised from 14 years and 12 years, respectively, after a 1998 Constitutional amendment.³¹⁵ The 1990 Statute on

Unidas para a Infancia—UNICEF, Tabelas 9 and 153, p. 38, 220. Statistics for Brazil generally employ the term “minors” to refer to anyone below age 12 and the term “adolescents” to refer to anyone between ages 12 and 18. See Estatuto da Criança e Adolescente, Livro I, Parte Geral, Título I: Das Disposições Preliminares, at <http://www.ibge.gov.br/ibgeteen/estatuto/estatuto.html>.

³⁰⁹ Ministério do Trabalho e Emprego, Quantitativo dos Ocupados na Semana de Referência, PNAD—1999, 26/09/01. In 1999, an estimated 57 percent of working boys and 52 percent of working girls between ages 5 and 15 lived in rural regions. See Ministério do Trabalho e Emprego, Ocupados por área geoeconômica Rural ou Urbana, PNAD –1999, 26/09/01.

³¹⁰ “Toil for Tots: Low Wages and Unemployment are Mainstream Concerns in Brazilian Society, but Their Most Painful Sign is the Exploitation of Child Labor,” *Brazil*, July 1998, at <http://www.brazil-brasil.com/p24jul98.htm> on 09/26/01. See also International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards in Brazil: Report for the World Trade Organization General Council Review of Trade Policies of Brazil* (Geneva, October 25 and 27, 2000), at <http://www.icftu.org/displaydocument.asp?Index=991211582&Language=EN&Printout+Yes> ; unclassified telegram 1439; *Country Reports on Human Rights Practices for 2000—Brazil* (Washington, D.C.: U.S. Department of State, 2001), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=724>; and Xisto Tiago de Medeiros Neto, O Procurador-Geral do Trabalho, *Diário de Natal*, *Opiniao, A crueldade do Trabalho infantil*, 21/10/2000 [hereinafter de Medeiros Neto, *A crueldade do Trabalho infantil*], at <http://www.pgt.mpt.gov.br/noticias/noticia17.html>.

³¹¹ Of those minors who are paid for work, 90 percent receive less than the national minimum wage. See de Medeiros Neto, *A crueldade do trabalho infantil*.

³¹² Unclassified telegram 1439. See also Estatuto da criança e do Adolescente, Capítulo IV—Do Direito à Educação, à Cultura, Ao Esporte e Ao Lazer, Artigo 54, at <http://www.pgt.mpt.gov.br/cnti/legislacao%20-%20ECA.html>.

³¹³ UNESCO, *The Education for All (EFA) Assessment: Country Reports—Brazil* (Paris, 2000) [CD-ROM].

³¹⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

³¹⁵ Unclassified telegram 1439. See also Emenda Constitucional no. 20, de 15/12/98, O Ministério Público

Children and Adolescents (ECA) prohibits children under the age of 18 from working in unhealthy, dangerous and arduous conditions, at night, or for long hours that impede school attendance. It also prohibits children less than 18 years of age from carrying heavy loads and work in settings where their physical, moral or social being is at risk.³¹⁶ Under the Penal Code, it is illegal to hire workers with the intention of transporting them to another state or national territory.³¹⁷

The Ministry of Labor and Employment is responsible for training inspectors to determine child labor work site violations.³¹⁸ Employers that violate Brazil's child labor laws are subject to monetary fines although the initial levying of fines usually occurs only after several violations.³¹⁹ Ministry enforcement of child labor laws is weakened by a lack of resources, an insufficient number of inspectors, and statutory limitations.³²⁰ Brazil ratified ILO Convention 138 on June 28, 2001 and ILO Convention 182 on February 2, 2000.³²¹

do Trabalho na Erradicação do Trabalho Infantil e na Proteção do Trabalho do Adolescente [hereinafter Erradicação do Trabalho Infantil], at [binfantil/index.html](http://www.pgt.mpt.gov.br/trabinfantil/index.html)" <http://www.pgt.mpt.gov.br/trabinfantil/index.html>.

³¹⁶ Erradicação do Trabalho Infantil .

³¹⁷ Violators can be fined and incarcerated for 1 to 3 years. The punishment increases if the victim is younger than age 18. *See* Erradicacao do Trabalho Forcado at <http://www.pgt.mpt.gov.br/trabescravo/atuacao.html>.

³¹⁸ Unclassified telegram 1439.

³¹⁹ In the state of Alagoas, the State Forum for the Eradication of Child Labor reports that low fines and poor fine collection contribute to a sense of impunity among many violators of child labor laws. *Ibid.*

³²⁰ *Ibid.*

³²¹ ILO, International Labour Standards and Human Rights Department, ILOLEX databases at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C138> and <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C182>.

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